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DUKE W. YEE CARSTENS, YEE & CAHOON, L.L.P. P.O. BOX 802334 DALLAS, TX 75380			EXAMINER SHERRILL, JASON L	
			ART UNIT 2622	PAPER NUMBER 18

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Paper No. 18

Application Number: 09/434,765

Filing Date: November 04, 1999

Appellant(s): COOPER ET AL.

Duke W. Yee
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 11/17/03.

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(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

(4) *Status of Amendments After Final*

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) *Summary of Invention*

The summary of invention contained in the brief is correct.

(6) *Issues*

The appellant's statement of the issues in the brief is correct.

(7) *Grouping of Claims*

Appellant's brief includes a statement that claims 1-5, 10-14, and 27 of Group A and claims 6 and 7 of Group B do not stand or fall together and provides reasons as set forth in 37 CFR 1.192(c)(7) and (c)(8).

(8) *Claims Appealed*

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) *Prior Art of Record*

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5,764,235	<i>Hunt et al.</i>	6-1998
5,911,044	<i>Lo et al.</i>	6-1999

(10) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-5, 10-14 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hunt et al. (U.S. Patent No. 5,764,235).

For claim 1, Hunt discloses a method in a server (102, Fig. 1A) for serving an image from the server to a client (104, Fig. 1A), comprising the steps of: receiving a client request from the client (col. 2, lines 31-52), wherein the client request specifies a set of one or more bitmap characteristics for an image transfer (col. 11, line 65 – col. 12, line 6), responsive to the client request, generating a version of an image for the image transfer that conforms to the set of

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specified bitmap characteristics; and serving the version of the image back to the client (col. 2 lines 47-52; col. 5, lines 7-32).

Hunt fails to directly teach that at least one of the bitmap characteristics includes a number of bits per pixel. However, Hunt discloses a method for serving an image from a server to a client in which image control information from the client is used by the server to determine the data size and image quality, determined format being suitable for storing, displaying or printing an image associated with the control information received (col. 3, lines 3-12). It would have been obvious to one of ordinary skill in the art at the time the invention was made to consider that the control information sent by the client to the server for determining a format suitable for storing, displaying or printing an image as taught by Hunt would include specifying a bitmap characteristic such as the number of bits per pixel. Specifying the number of bits per pixel sets the color depth of the image, allowing the user to control image quality.

For claim 2, Hunt discloses a method in a server for serving an image from the server to a client wherein the set of bitmap characteristics includes a bitmap compression format (col. 1, lines 48-67; col. 8, line 46 – col. 9, line 5).

For claim 3, Hunt discloses a method in a server for serving an image from the server to a client wherein the step of generating the version of the image includes processing the image according to the specified bitmap compression format (col. 1, lines 48-67; col. 8, line 46 – col. 9, line 5).

For claim 4, Hunt discloses a method in a server for serving an image from the server to a client wherein the bitmap compression format is lossy (“progressive JPEG”, col. 8, lines 46-55).

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For claim 5, Hunt fails to directly teach a method in a server for serving an image from the server to a client wherein the bitmap compression format is non-lossy. However, Hunt teaches a method in a server for serving an image from the server to a client wherein various compression techniques such as 'JPEG' are used (col. 1, lines 48-52). JPEG compression techniques comprise of various methods, which are lossy (progressive JPEG) and non-lossy (JPEG-LS). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to consider that the JPEG compression taught by Hunt encompasses the non-lossy JPEG-LS. This would allow for the user to control whether the compression losses any data.

For claim 10, Hunt discloses a method for serving an image from a server (102, Fig. 1A) to a client (104, Fig. 1A), comprising the steps of; storing an image at the server (col. 4, line 65 – col. 5, line 2); at the client, specifying a set of one or more bitmap characteristics for an image transfer (col. 11 line 65 – col. 12, line 6), at the server, responsive to a client request that includes data identifying a specified bitmap characteristic, generating a version of the image that conforms to the specified characteristic; and serving the version of the image back to the client (col. 2, lines 47-52; col. 5 lines 7-32).

For claim 11, Hunt discloses a method for serving an image from a server to a client wherein the client is a computer having a browser for issuing the client request (Fig. 9; col. 10 lines 16-54).

For claim 12, Hunt discloses a method for serving an image from a server to a client wherein the bitmap characteristics include a bitmap compression format (col. 1, lines 48-67; col. 8, line 46 – col. 9, line 5).

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For claim 13, Hunt fails to directly teach that the bitmap characteristics include a number of dots per inch on a printer associated with the client. However Hunt discloses a method for serving an image from a server to a client in which image control information from the client is used by the server to determine the data size and image quality, determined format being suitable printing an image associated with the control information received (col. 3, lines 3-12). It would have been obvious to one of ordinary skill in the art at the time the invention was made to consider that the control information sent by the client to the server for determining a format suitable printing an image as taught by Hunt would include specifying a bitmap characteristic such as the number of dots per inch. Specifying the number of dots per inch allows the user to control image quality.

For claim 14, Hunt discloses a method in a server for serving an image from the server to a client wherein the image is stored at the server in a high resolution format (col. 3, lines 62-66).

For claim 27, Hunt discloses a method in a server for serving an image from the server to a client wherein the image transfer is for a web page (Fig. 9; col. 10, lines 16-54).

3. Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hunt et al. ('235') as applied to claims 1 above, and further in view of Lo et al. (U.S. Patent No. 5,911,044).

For claims 6 and 7, Hunt fails to teach a method in a server for serving an image from the server to a client by setting a graphical control in a graphical user interface wherein the graphic control is a slider having first and second positions and a plurality of intermediate positions.

Lo discloses a method and apparatus for transferring an image over a server to a client by setting a graphical control in a graphical user interface wherein the graphic control is a slider

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having first and second positions and a plurality of intermediate positions (Fig. 10; col. 15, lines 41-55). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the image transmitting system of Hunt with the image scanning system which transmits images over a network of Lo because both teach systems and apparatuses for transmitting images with client specified characteristics over a network to the client. The improvement of Hunt by Lo would allow for a user-friendly interface for adjusting image characteristics.

Allowable Subject Matter

4. Claims 8 and 9 are allowable.

Claims 28 and 29 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 8 and 9 are allowable over the prior art of record because the Examiner found neither prior art cited in its entirety, nor based on the prior art, found any motivation to combine any of the said prior art which teaches: a method in a server for serving an image from the server to a client wherein the graphic control is a slider having first position which selects a subset of bitmap characteristics for a fastest download and lowest quality version of the image, and wherein the second position selects a subset of bitmap characteristics for a slowest download and highest quality version of the image.

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(11) Response to Argument

Applicant argues that there is no disclosure of generating a version of an image that conforms to a set of specified bitmap characteristics in response to the client request. The Examiner respectfully disagrees. Hunt discloses that the data transmitted from the server to the client is customized in accordance with client supplied information (col. 2, lines 14-23). Additionally, a request for a higher quality image can be satisfied (col. 2, lines 23-25). Hunt discloses receiving a request from a client machine to the server for a graphical image. The server then creates and transmits the graphical image to the client based on the image size and format stipulated by the client request (1118, Fig. 11; col. 2, lines 44-65; col. 11, line 65 – col. 12 line 6). Image customization is obviously being done based on the supplied client information. Still additionally, Hunt discloses a method for serving an image from a server to a client in which image control information from the client is used by the server to determine the data size and image quality, determined format being suitable for storing, displaying or printing an image associated with the control information received (col. 3, lines 3-12). It would have been obvious to one of ordinary skill in the art at the time the invention was made to consider that the control information sent by the client to the server for determining a format suitable for storing, displaying or printing an image as taught by Hunt would include specifying a bitmap characteristic such as the number of bits per pixel. Specifying the number of bits per pixel sets the color depth of the image, allowing the user to control image quality. Hunt clearly discloses that the customization of the graphical image file into a format, a size dictated or determined by the client is done after the request has been made (col. 9, line 59 – col. 10, line 15). This clearly shows that a version of the image is generated after the server has received a client request.

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Applicant also argues that for claims 6 and 7, it would be improper to combine Hunt and Lo because they are directed at different problems and different solutions. The Examiner respectfully disagrees. The fact that these two references are directed towards different problems is irrelevant. Both Hunt and Lo disclose downloading a client-customized image over a network from a server. Lo teaches the ability to transfer customized images from the server computer to a client computer (col. 21, lines 20-40). In order to do this the images must at least be temporarily stored on the server. For at least these reasons the Examiner believes that one of ordinary skill in the art would combine Hunt and Lo in regards to claims 6 and 7 which are directed towards a graphical user interface.


Conclusion

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

JLS
January 22, 2004

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